

| DISV/OFFICE | FILE NO. | FILING DATE | N/S | O | R | 23 | OTHER | JUDGE NUMBER | DEM. | YR. | NUMBER |
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| 1085/4 | 75-0092 | 03 11 75 | 4 | 110 | 1 | 21 | | 8510 8510 8509 | | | 75-0092-8C |

PLAINTIFFS

DEFENDANTS

FARMERS INSURANCE COMPANY, INC.

David ARMSTRONG, a minor, DOUG MEEKS, a minor, SUSAN HANSON, a minor, LARRY TANKERSLY, a minor, BETTY WAGNON, individually and as surviving parent of WANDA WAGNON, deceased, SHERRY WAGNON, a minor, ANNIE WAGNON, a minor, PEGGY WAGNON, a minor, NELLIE ANN WAGNON, a minor, SCOTT WAGNON, a minor, TERRY LYNN WAGNON, a minor, and SAINT FRANCIS HOSPITAL, INC.

STATE OF OKLAHOMA, ex rel.
DEPARTMENT OF INSTITUTIONS,
SOCIAL & REHABILITATIVE
SERVICES,

Intervenor

CAUSE

UNITED STATES OF AMERICA,
Intervenor

28 U.S.C. §1332 - interpleader action.

ATTORNEYS

Ray H. Wilburn
Knight, Wilburn & Wagner
310 Beacon Building
Tulsa, Oklahoma 74103
918-584-6457

T. J. Sinclair (St. Francis Hosp.)
6161 S. Yale Ave.
Tulsa, OK 74136
627-2200

✓ Ross Hutchins (Wagnons)
3414 S. Yale Ave.
Tulsa, Oklahoma 74135
and
Ed Munson (Wagnons)
Keen & Munson, Inc.
430 South Okmulgee
Tahlequah, OK 74464

Defts
Nita R. Gules
Thomas H. Tucker (State of OK)
Asst. General Counsel
Dept. of Inst., Social & Rehab.
P. O. Box 25352
OKC 73125

16 Gary M. Jay (Susan Hanson Now
BOOTH & JAY S. Pequeen)
Box 557
Salina, OK 74365 582-5089

✓ *Ray R. Brett*
Thomas R. Brett (St. Francis Hosp.)
1700 Fourth National Bank Bldg.
Tulsa, Okla. 74119
Phone: 583-1115 581-8200
201 W. 5th, Suite 400 74103

Proposed Intervenor, U.S.A.

Hubert H. Bryant
U. S. Atty.
Robert P. Santee
Asst. U. S. Atty.

☐ CHECK
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IF CASE WAS
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STATISTICAL CARDS

DATE

RECEIPT NUMBER

C.D. NUMBER

CARD

DATE MAILED

JS 5

4-1-75 1-182

JS 6

8-1-79 2-182

B

| DATE | NR. | PROCEEDINGS |
|----------|-----|--|
| 3-11-75 | 1. | Complaint in interpleader action, filed. Summons issued. rm |
| 3-27-75 | 2. | Separate Answer & Claim of Saint Francis Hospital, Inc., the Deft, filed. mm |
| 4-1-75 | | Summons, ret. & filed: served Betty Wagnon, Sherry Wagnon, Annie Wagnon, Peggy Wagnon, Nellie Ann Wagnon, Scott Wagnon & Terry Lynn Wagnon, all at Salina, Ok. on 3-18-75; served David Armstrong, Doug Meeks, & Larry Tankersley, all at Pryor, Ok. on 3-20-75; served St. Francis Hospital, Inc., Tulsa on 3-14-75; <u>unserved</u> as to Susan Hanson. (USM \$84.52)g |
| 4-8-75 | 3. | Appl. of defts. (Wagnons) for ext. of time to file ans. 4-8-75, filed, jj |
| 4-8-75 | 4. | Order, filed, granting defendants (Wagnons) until 4-8-75 to file ans. (JCS-Clk)jj atty to mail copies |
| 4-8-75 | 5. | Ans. of defts. (Wagnons) to Complaint of Farmers Ins. Co., Inc., filed. jj |
| 4-9-75 | 6. | Separate Ans of the Deft. Susan Hanson, now Susan Pequeen, filed. mm |
| 6-2-75 | 7. | Affidavit of deft. R. L. Junger, filed. lm |
| 6-2-75 | 8. | MOTION of deft. St. Francis Hospital, Inc. for S/J filed. lm |
| 6-2-75 | 9. | BRIEF in support of motion for S/J, filed. lm |
| 6-3-75 | | MO: It is ordered by the Court that pltf. is given 10 days to file a responsive brief to deft's motion for S/J. lm |
| 6-16-75 | 10 | Brief of Betty Wagnon, et al on mot. for S/J by St. Francis Hospital, Inc., filed. g |
| 6-16-75 | 11. | Pltf's Response to Motion for Summary Judgment, filed. mm |
| 8-25-75 | MO | Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k |
| 9-3-75 | 12 | Notice of claim of attorneys lien, filed by Hutchins, Stewart, Stewart & Elmore. g |
| 9-3-75 | 13 | Motion of Betty Wagnon, et al, to drop St. Francis Hospital, Inc. as a party, filed. g |
| 9-3-75 | 14 | Brief in support of motion to drop party, filed. g |
| 9-3-75 | MO | Ordered by the Court that pltf. is given 10 days to file responsive brief to motion to drop party. (AEB-J)g |
| 9-11-75 | 15. | Ltr. of 9-10-75, Pltf's response to motion to drop St. Francis Hospital, Inc. as a party, filed. lm |
| 9-11-75 | 16. | Response Brief of St. Francis Hospital, Inc. to Motion to Drop Party of Betty Wagnon, et al, filed. mm |
| 10-22-75 | | Case called for hearing/Deft St. Francis Hospital, Inc. motion for summary judgment & motion of Betty Wagnon, et al to drop St. Francis Hospital, Inc. as a party. Parties present. Defts motions denied. Deft. T. Brett to prepare F&R & order in 10 days.(MLB-Mag)b |
| 11-11-75 | 17. | Findings and Recommendations of Mag., filed. ph (MLB-Mag), copies md. |
| 11-26-75 | 18 | Odr. filed, approving F&R of Mag. It is ordered that Deft, St. Francis Hosp. Inc's Mot. for S/J be and the same is hereby overruled. Further that the Mot of some parties drop St. Francis Hosp. as a party is hereby overruled. (AEB-J) to cps noted |

B
PROCEEDINGS

Date Order or
Judgment Noted

DATE

1976

- | DATE | PROCEEDINGS | Date Order or Judgment Noted |
|--------|---|------------------------------|
| 1-19 | 19. Motion of defendants Wagon for summary judgment against deft. St. Francis Hospital, Inc., filed. g | |
| 1-19 | 20. Brief on mot. for S/J against deft. St. Francis Hospital, filed. g | |
| 1-19 | MO Ordered by the Court that deft. St. Francis Hosp. file responsive brief within 10 days to motion for S/J by defts. Wagon. (AEB-J)g | |
| 1-30 | 21. Ans. brief of St. Francis Hospital, Inc., to Defts.' Mot. for S/J, filed. v | |
| 2-2-76 | 22 Reply to Ans. Brf. of St. Francis Hospital, Inc., to Defts' Mot. for Summary Judg, filed. t | |
| 3-3 | 23. Notice of Lien (Peggy Wagon) in the amt. of \$181.80, filed. jj | |
| 3-3 | 24. Notice of Lien (Sherry Wagon) in the amt. of \$1,097.45), filed. jj | |
| 3-3 | 25. Notice of Lien (Nellie Wagon) in the amt. of \$1,074.05, filed. jj | |
| 3-3 | 26. Notice of Lien (Juanita Wagon a/k/a Wanda Wagon, deceased) in the amt. of \$533.00, filed. jj | |
| 3-3 | 27. Notice of Lien (Terri Wagon a/k/a Terry Lynn Wagon) in the amt. of \$1,045.80, filed. jj | |
| 3-3 | 28. Notice of Lien (Betty Wagon) in the amt. of \$1,271.20, filed. jj | |
| 4-6 | 29. Application to File Amendment to Separate Ans., & claim of Saint Francis Hospital, Inc., filed. t O-J | |
| 4-16 | MO: Case set for hrg. before Mag. on defts' mot. for S/J against deft. St. Francis Hosp. on 5-13-76 at 10:00 a.m. (MLB-Mag)k ntc by KT | |
| 4-19 | 30. Amended Notice of lien (Betty Wagon) in the amt. of \$1,271.20, filed. b | |
| 4-19 | 31. Amended Notice of lien (Terri Wagon a/k/a Terry Lynn Wagon in amt. of \$1,045.80, filed. b | |
| 4-19 | 32. Amended Notice of lien (Sherry Wagon) in amt. of \$1,097.45, filed. b | |
| 4-19 | 33. Amended Notice of lien (Peggy Wagon) in amt. of \$181.80, filed. b | |
| 4-19 | 34. Amended Notice of lien (Nellie Wagon) in amt. of \$1,074.05, filed. b | |
| 4-19 | 35. Amended Notice of lien (Juanita Wagon a/k/a Wanda Wagon, deceased) in amt. of \$533.00, filed. b | |
| 4-20 | MO The Ct. has for consideration the application of deft. St. Francis Hospital, for permission to file an Amendment to Separate Answer and Claim of St. Francis Hospital, Inc., and there being no objections by the parties, and good cause having been shown, IT IS ORDERED that Saint Francis Hospital, Inc's application is granted and they are directed to file their separate answer and claim within five days from this date. (AEB-J)t | |
| 4-20 | 36 Amendment to Separate Answer and Claim of St. Francis Hospital, Inc., filed. t cpy to Thomas Brett | |
| 5-13 | MO: Case called for hrg. before Mag. on mot. of some defts. for S/J against deft. St. Francis Hosp. Parties present. Mag. finds that mot. should be denied. Counsel for St. Francis to prepare F&R and proposed Order w/in 5 days. (MLB-Mag)k | |
| 5-18 | 37. Findings & Recommendations of Magistrate, filed. (MLB-Mag)k cps mld | |

B

| DATE 1976 | PROCEEDINGS | Date Order or Judgment Not |
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| 6-14 | 38. Order, filed, that motion for summary judgment of defts. Betty Wagnon, Nellie Ann Blossom, nee Wagnon, and Betty Wagnon, next friend of the following minors: Peggy Wagnon, Annie Wagnon, aka Terry Lynn Wagnon and Sherry Wagnon, be and is hereby overruled. (AEB-J) cps. mld. | |
| 6-22 | MO: Parties are directed to hold PT conf. on or before 8-5-76 & file PT order on or before 8-11-76. (AEB-J)b nts by cert ml | |
| 8-12 | MO. It is ordered by the Court that the parties are granted until 8-20-76 to file PT order. (AEB-J) s cps. mld. | |
| 10-21 | 39. Deft. St. Francis Hosp.'s requests for admissions pursuant to Rule 36 directed to co-defts., filed.k | |
| 10-26 | 40. Reply to request for admissions of defts. Peggy Wagnon, Betty Wagnon, Nellie Ann Wagnon (now Blossom), filed. lm | |
| 11-2 | ✓ 41. Deft. St. Francis Hospital, Inc.'s proposed PT order, filed.s | |
| 11-10 | 42. Defts. Betty Wagnon, Nellie Ann Wagnon Blossom and Peggy Wagnon, individually, Betty Wagnon, as next friend of the following minors: Annie Wagnon, a/k/a Terry Lynn Wagnon, Sherry Wagnon and Scott Wagnon, Betty Wagnon, as next of kin of Wanda Wagnon, minor, deceased, request to inspect and copy documents, filed.s | |
| 11-10 | 43. Defts. Betty Wagnon, individually, Nellie Ann Wagnon Blossom, individually, Peggy Wagnon, individually, Betty Wagnon as next of kin of Wanda Wagnon, minor, deceased, a/k/a Juanita Wagnon, Betty Wagnon, next friend of Annie Wagnon, a/k/a Terry Lynn Wagnon, Betty Wagnon next friend of Sherry Wagnon, a minor, and Betty Wagnon, next friend of Scott Wagnon, a minor, motion to file out of time separate answer to Claim of St. Francis Hospital, Inc. w/brief as part of application, filed.s O to J | |
| 11-11 | MO: It is ordered by the Court that deft. St. Francis file a responsive brief w/in 10 days to the mot. to file ans. to claim of deft. Francis out of time filed by defts. Wagnon. (AEB-J)k cps mld | |
| 11-22 | 44. Deft. St. Francis Hospital, Inc.'s application for additional time to file response brief to Mot. to file separate ans., filed.s O to J | |
| ✓ 11-23 | 45 Order, filed, granting deft. St. Francis Hospital 10 days from 11-22-76 to file responsive brief to motion to file sep. ans. to claim of St. Francis Hospital, Inc. (AEB-J)lm cps mld. | |
| 11-26 | 46. Request for Admissions of defts Betty Wagnon, Peggy Wagnon, Betty Wagnon as next of kin of Wanda Wagnon, deceased minor, also known as Juanita Wagnon, Nellie Ann Wagnon (now Blossom), Betty Wagnon as next friend of Annie Wagnon, Betty Wagnon as next friend of Sherry Wagnon, Betty Wagnon as best friend of Scott Wagnon, filed. lm | |
| 11-26 | 47. Motion to show authority by defts. Betty Wagnon, Peggy Wagnon, Betty Wagnon as next of kin of Wanda Wagnon, deceased minor, also known as Juanita Wagnon, Nellie Ann Wagnon (now Blossom), Betty Wagnon as next friend of Annie Wagnon, also known as Terry Lynn | |

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | DEFENDANT | DOCKET NO. _____ |
|--------------------|------------------------|-------------------------|
| Farmers' Insu. Co. | David Armstrong, et al | PAGE ____ OF ____ PAGES |

| DATE | NR. | PROCEEDINGS |
|-------------|------------|---|
| 11-26 | 47(cont'd) | Wagnon, Betty Wagnon as next friend of Sherry Wagnon, Betty Wagnon as next friend of Scott Wagnon, filed.lm |
| 11-29 | MO | Ordered by the Court that defendant ^{St. Francis Hosp. Inc.} is granted ten days from this date to file a response to defts' Motion to Show Authority. (AEB-J) lm ltrs mld. |
| 11-30 | 48. | Joint Claim of defts. Betty Wagnon, Nellie Ann Wagnon Blossom, Peggy Wagnon, Betty Wagnon as next friend of Scott Wagnon, Sherry Wagnon and Annie Wagnon (also known as Terry Lynn Wagnon) and Betty Wagnon, as next of kin of Wanda Wagnon, filed. lm |
| 12-2 | 49. | Response brief of St. Francis Hospital, Inc., to motion to file answer out of time, filed.s |
| 12-9 | 50 | St. Francis Hospital, Inc. Response to Motion to Show Authority, filed. lm |
| <u>1977</u> | | |
| 2-7 | 51. | Stipulation and deposit of funds and discharge of pltf., filed.s O to J |
| 2-7 | 52. | Order sustaining mot. for S/J, filed/ and entered Ordered that the pltf. pay into the Ct. Clerk's office of the U.S. the sum of \$19,000.00 to be held by this Ct. to be distributed to any and all defts. and/or claimants making claim to the proceeds of said ins. policy according to the merits of their claim; and further that the pltf. is discharged from any further liability to the defts. or any person claiming any right to the proceeds of ins. policy No. 08 2991 25 60 upon the payment of the sum of \$19,000.00.s (AEB-J) cps. mld. |
| 3-3 | 53 | Order, fld. that the Wagnon Defts' mot to show authority is overruled, Further the Wagnon Defts' mot to file out of time a separate ans. to claim of St. Francis Hospital, Inc. is granted. (AEB-J) cps mld ho |
| 3-3 | 54. | Separate answer of defts. Wagnon to claim of St. Francis Hospital, Inc., filed.k |
| 4-1 | MO | Parties are directed to hold PT conference on or before 5-13-77 and file a PTO on or before 5-20-77. (AEB-J)k cps mld |
| 6-14 | MO: | Case set for disposition on 7-7-77, at 10:00 A.M., for failure of parties to file pre-trial order.(AEB-J)b nts by cert ml |
| 6-29 | ✓ 55 | Proposed PTO of all parties except St. Francis Hospital, Inc. fld. ho |
| 7-1 | MO | Case stricken from disposition docket of 7-7-77.(AEB-J)b nts by phone |
| 7-27 | 56 | Second Proposed PTO of Betty Wagnon, Nellie Ann Wagnon, now Blossom, Peggy Wagnon, Sherry Wagnon, Annie Wagnon a/k/a Terry Lynn Wagnon, Scott Wagnon, Wanda Wagnon a/k/a Juanita Wagnon, deceased minor. w/exhibits. fld. ho |
| 8-12 | MO: | Case set for non-jury trial on 9-19-77, at 10:00 A.M.(AEB-J)b nts cert w/affid. |
| 8-31 | 57 | Deft. State of OK approval of PTO. fld. ho |
| 9-14 | 58. | Trial Brief of Deft. Susan PeQueen, formerly Susan Hanson, filed. b |
| 9-14 | 59. | Exhibit affidavit of Deft. Hanson, filed. b |
| 9-14 | 60. | Trial brief of Deft. St. Francis Hospital, filed. b |

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | | DEFENDANT | DOCKET NO. <u>75-C-92-B</u> |
|-------------|-----|---|-----------------------------|
| | | <u>B</u> | PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
| 9-15 | 61 | Defts' Wagnons' Pre-Trial brief, filed. b | |
| 9-15 | MO: | IT IS ORDERED that this case is stricken from the non-jury docket set 9-19-77, & submitted to the Court at this time on simultaneous briefs to be filed w/in 30 days w/answer briefs 15 days thereafter on the following question: Whether or not the hospital having submitted a claim for payment under T. 19, & the contracts entered into between the hospital & the State, pursuant to T. 19, & the hospital having accepted payment, can make claims in addition to the sums received from the State for the same services rendered to the same parties. (AEB-J)b ltr mld | |
| 9-16 | 62. | Appl. for Order of settlement on stipulation of the parties on behalf of deft. Susan Hanson Pequeen, filed.k | |
| 9-16 | 63. | Order, filed & entered, that Susan Hanson Pequeen receive \$1,140.00 as her share of funds on deposit, the payment of which shall satisfy and discharge her from any futher rights or claims to said funds. Further the Clerk is directed to pay said \$1,140.00 to Susan Pequeen through her atty, Gary M. Jay. (AEB-J)k cps & ck mld | |
| 10-11 | 64 | Deft. State of OK PT brief. fld. ho | |
| 10-19 | 65. | Deft. St. Francis appl. for ext. of time to file brief. fld. ho 0 to J. | |
| 10-20 | 66 | Brief of Defts. Wagons adopting brief of St. of OK, fld. b | |
| 10-25 | 67 | Order, filed, granting deft. St. Francis until 10-31-77 to file brief. (AEB-J)k cps mld to movant | |
| 11-1 | 68 | Deft. St. Francis second PT brief. fld. ho | |
| 11-17 | 69 | Deft. State of OK reply brief, fld. ho | |
| 11-22 | 70 | Deft. Wagnons responsive brief. fld. ho | |
| 11-23 | 71. | Deft. St. Francis Hosp.'s appl. for leave to file response to deft. Wagon's request for admissions filed 11-23-76, filed.k | |
| 11-23 | 72. | Brief in support of appl. to file response to request for admissions, filed.k | |
| 11-23 | MO | The Defts. Wagon are directed to file a response w/in 5 days to deft. St. Francis' request for leave to file response to request for admissions out of time. (AEB-J)k cps mld | |
| 11-30 | MO: | Case set for non-jury trial on 1-16-78, at 10:00 A.M. (AEB-J)b nts cert ml w/affid | |
| 12-19 | 73. | Defts. Wagon's response to deft. St. Francis' request for leave to file response to deft. Wagon's request for admissions out of time, filed.k | |
| <u>1978</u> | | | |
| 1-13 | MO: | Case is stricken from non-jury docket of 1-16-78 & will be reset on February docket. (AEB-J)b nts by phone | |
| 1-19 | MO: | Case set for non-jury trial on 2-21-78, at 10:00 A.M. (AEB-J)b nts cert | |
| 1-26 | MO: | It appearing to the Court that the parties have not been able to agree to a pretrial order, it is ordered that this case is referred to Robert Rizley, Magistrate, for pretrial. IT IS FURTHER ORDERED that this case is therefore stricken from the non-jury docket set for 2-21-78, pending the filing of an agreed pretrial order after pretrial conference with the Magistrate. (AEB-J)b nts mld | |
| 1-27 | MO | Case set for pre-trial conference before the Mag. on 2-6-78 at 3:30 p.m. (RSR-Mag)k ntc by KT | |
| 2-6 | Min | Case called for pre-trial hrg. Parties represented. Amended pre-trial order to be filed after Mag. rules on issues covered by the parties' briefs regarding the question of whether deft. St. Francis is estopped from collecting additional sums from the welfare recipients &/or the fund paid into Court & related issues. (RSR-Mag)k | |

CIVIL DOCKET CONTINUATION SHEET

SHEET #4

FPI-MAR

| PLAINTIFF | | DEFENDANT B | DOCKET NO. _____ |
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| | | | PAGE ____ OF ____ PAGES |
| DATE 1978 | NR. | PROCEEDINGS | |
| 6-7 | MO | Upon request, the parties are granted 10 days from this date to supplement their briefs w/ particular reference to T 42 USC §1396(a)18. Final pretrial hearing set for 6-19-78 at 3:00 p.m. (RSR-Mag)k ntc by KT | |
| 6-15 | 74 | Deft. St. Francis Hospital supplemental PT brief, fld. ho | |
| 6-19 | 75 | Supplemental pretrial brief of defts. Wagnons regarding T. 42 USC §1396 a (a) 18, filed.k | |
| 6-19 | Min | Case called for pre-trial hrg. Parties represented. Pre-trial conf. held & arguments made on claim of St. Francis. Mag. to make recommendation on said claim by 6-23-78, following which an additional pre-trial conf. will be scheduled. (RSR-Mag)k | |
| 6-26 | MO | Mag. recommends that the objection to claim of St. Francis be overruled. Parties are directed to complete & file a pretrial order by 8-7-78. Counsel for St. Francis to prepare F&R and proposed order w/in 10 days. (RSR-Mag)k ntc by KT | |
| 7-6 | MO | Counsel for St. Francis Hosp. is granted an additional 10 days from this date to submit F&R of the Mag. and proposed Order on obj. to claim of St. Francis. (RSR-Mag)k cps by KT | |
| 8-1 | 76 | Findings & Recommendations of the Mag., filed. Mag. recommends that the objection to the claim of St. Francis Hop. be overruled and that this matter be set for trial. The parties should be ordered to prepare an agreed pre-trial order w/in 20 days or separate proposed pre-trial orders. (RSR-Mag)k cps mld | |
| 8-14 | 77 | State of OK mot. to intervene as a Deft., filed. ho | |
| 8-14 | 78 | Brief in support of mot. of State of Okla. to intervene, filed. ho | |
| 8-14 | 79 | Obj. & brf. of State of OK to F&R of the Mag., filed. k | |
| 8-14 | 80 | Defts. Wagnons & Blossom, objection & brief to Mag. F/R & request for hrg., fld. ho | |
| 8-15 | MO | It is ordered that the Parties are granted 10 days to file a responsive brief to 1) Proposed Intervenor, State of OK, Obj. to Mag. F/R & 2) Defts. Wagnons & Blossoms obj. to Mag. F/R. (AEB-J)ho c/m | |
| 8-25 | 81 | Joint appl. for ext. of time to respond to MO of 8-15-78. fld. ho O to J. | |
| 8-28 | 82 | Order, filed, granting defts. St. Francis Hospital and the Wagnons until 9-14-78 to file responsive briefs to the objections to the F&R of the Mag. or to submit an agreed order or pre-trial order in lieu thereof. (AEB-J)k cps mld to movant St. Francis | |
| 8-28 | 83 | Appl. of defts. Wagon for 10 days to respond to objs. to F&R of the Mag., filed.k <i>of the m</i> | |
| 9-14 | 84 | Joint Appl. for ext. of time to respond to the MO of 8-15-78. fld. ho O to J. | |
| 9-19 | 85. | Order, filed, granting defts. St. Francis and the Wagnons until 9-25-78 to file briefs in response to objs. to F&R of the Mag. (AEB-J)k cps mld to Brett | |

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

| PLAINTIFF | | DEFENDANT | DOCKET NO. _____ |
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| | | | PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
| 1978 | | | |
| 10-3 | 86 | Joint appl. for ext. of time to file responsive brief, fld. ho 0 to J. | |
| 10-4 | MO | Defts. are granted until 10-24-78 to respond to objections to F&R of the Mag. (AEB-J)k cps of orig. order mld to movant | |
| 10-23 | 87. | Deft. St. Francis Hospital, Inc., Response to State of Oklahoma's Motion to Intervene, filed. b | |
| 10-23 | 88. | Deft. St. Francis Hospital's brief in response to objection to the Findings & Recommendations of the Magistrate, filed. b | |
| 12-12 | 89 | Order, filed, that the obj. to F&R of the Mag. filed by State of OK ex rel Dept. of Institutions, Social & Rehab. Services are overruled, obj. to F&R and request for hrg. filed by defts. Wagnons are overruled; State of OK ex rel DISRS's mot. to intervene is sustained & DISRS is ordered to file its compl. in intervention w/in 7 days; the Court Order of 6-14-76 overruling the mot. for S/J filed by defts. Wagnons is amended nunc pro tunc to show that the provisions of 42 Okla. Statutes, §§43 & 44, constituting the OK Lien Law, were not unconstitutional; DISRS's request contained in obj. to certify case and question on interlocutory appeal is denied; that parties submit an agreed pre-trial order w/in 20 days, failing which, the case is referred to Mag. Rizley for pre-trial conf., Mag. to submit recommendations as to a pre-trial order w/in 20 days after reference; and as soon as a pre-trial order is signed by the Court, the case will be set on the next trial docket thereafter. (AEB-J)k cps mld | |
| 12-26 | 90 | State of OK, ex rel. DISRS, compl. in intervention as Deft. fld. ho | |
| 1979 | | | |
| 1-2 | MO | Case referred to Mag. Robert Rizley in accordance with Order of 12-12-78 and pursuant to Order M-128, for pre-trial conf. Mag. to submit recommendations as to a pre-trial order w/in 20 days. (AEB-J)k | |
| 1-10 | MO | Case set for pre-trial conf. before the Mag. on 1-22-79 at 4:30 p.m. (RSR-Mag)k ntc by KT | |
| 1-22 | Min | Case called for pre-trial before the Mag. Defts. St. Francis & the Wagnons rep. Counsel for Okla. did not receive ntc. & Ct. advised him that the pre-trial would be continued until 2-5-79. Pre-trial conducted. Proposed pre-trial order reviewed. St. Francis agrees to make certain records available to Wagnons. All discovery to be completed by 2-5-79. Pre-trial passed to 2-5-79. (RSR-Mag)k | |
| 1-24 | MO | Case set for continued pre-trial conf. before the Mag. on 2-5-79 at 2:30 p.m. (RSR-Mag)k ntc by KT | |
| 2-2 | 91 | USA not. & mot. to intervene, fld. ho | |
| 2-2 | 92 | Proposed intervenor, U.S.A., brief in supp. of not. & mot. to intervene, fld. ho | |
| 2-5 | MO | It is ordered that the Defts. file a responsive brief by 2-18-79 to U.S.A. mot. to intervene. (AEB-J)ho c/m | |
| 2-5 | Min | Case called for continued pre-trial conf. before the Mag. Defts. & intervenor represented. Pre-trial conf. conducted. St. Francis to make available for inspection to Hutchins by 2-7-79 at 1:30 pm. their records in connection w/ deft's hospital care & related documents. Final pre-trial to be conducted following | |

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

| PLAINTIFF | | DEFENDANT | DOCKET NO. 75-C-92 |
|------------------|-----------|--|--------------------|
| Farmers-Ins.-Co. | | David Armstrong, et al | PAGE 9 OF 5 PAGES |
| DATE 1979 | NR. | PROCEEDINGS | |
| 2-5 | Min | ruling on appl. of USA/Indian Health Service to intervene. All parties, except | |
| | Continued | State of Okla., agree to referral of case to Mag. for trial. State of Okla. to | |
| | | advise Court w/in 10 days whether it agrees to said reference for trial. (RSR- | |
| | | Mag)k | |
| 2-14 | 93 | Intervenor State of OK, response to Mot. to intervene of USA, fld. ho | |
| 2-21 | 94 | Response of deft. St. Francis to mot. to intervene of U.S.A., fld.k | |
| 3-9 | MO | Case set for final pre-trial conference before the Mag. on 3-19-79 | |
| | | at 11:30 a.m. (RSR-Mag)k ntc by KT | |
| 3-16 | MO | Case transferred to Judge H. Dale Cook. (JCS-Clk)k | |
| 3-19 | Min | Case called for pre-trial conf. & hrg. on mot. before the Mag. Par- | |
| | | ties represented. Pre-trial conf. held. Parties announce that all | |
| | | discovery is completed w/ the exception of response to request for | |
| | | admissions to be filed by St. Francis by 3-26-79. Mag. recommends | |
| | | mot/intervene of U.S.A. be sustained, there being no objs. Mag. to | |
| | | prepare F&R & proposed Order on said mot/intervene. State of Okla. | |
| | | to prepare Stipulation to be signed by the parties by 3-26-79. Hutchins | |
| | | to prepare final pre-trial order by 4-10-79, to be circulated to re- | |
| | | maining parties & executed by 4-20-79. (RSR-Mag)k | |
| 3-22 | 95 | Mag. F/R, fld. ho O to J. c/m (Mag. recommends same as above) | |
| 3-26 | 96 | Deft. St. of OK Request for admissions, fld. b | |
| 3-26 | 97 | Deft. St. Francis Hospital reply to request for adm. of Defts. | |
| | | Betty Wagnon, et al fld. on 11-26-76, fld. ho | |
| 4-3 | 98 | Order, fld, that deft St Francis Hosp. file its resp. to req. for | |
| | | admissions by 3-26-79; ordered that mot. of USA to file complaint | |
| | | in intervention is SUSTAINED and that USA file said compl. forthwith; | |
| | | ordered that deft State of Okla. prepare and circulate a stip. by | |
| | | 3-26-79 covering hospitalization expenses incurred by certain defts | |
| | | which stip. should be signed by parties and filed in the case; and | |
| | | ordered that Ross Hutchins as atty for defts Wagnons prepare final | |
| | | PT Order by 4-10-79 to be circulated and executed by all parties | |
| | | and filed by 4-20-79. (HDC-J)ra cps mld | |
| 4-3 | 99 | Complaint in Intervention of USA, fld. b | |
| 4-18 | 100 | Response of the St. Francis Hospital to the Complaint in Intervention | |
| | | of the United States of America, filed.jc | |
| 4-26 | 101. | Response of deft. St. Francis Hosp. to req. for admissions, filed. hm | |
| 6-6 | MO; | PT HRG set 6-15-79, 9:30 A.M.; disc. to be completed by 6-13-79; PT | |
| | | Memo or order due 6-14-79. (HDC-J)b nts mld | |
| 6/14 | 102. | THIRD PROPOSED PRETRIAL ORDER. v | |
| 6-15 | 103 | PROPOSED PTO, of Deft. St. Francis. ho | |
| 6-15 | MO: | PRE-TRIAL HEARING. Statements made. Parties to prepare agreed-to | |
| | | PTO within 10 days. Case to be set for Non-jury trial. (ETT: 1 1/2 | |
| | | days. (HDC-J)hm | |

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| PLAINTIFF | DEFENDANT | DOCKET NO. 75-C-92 |
| FARMERS-INS.-CO.-7-INC- | ARMSTRONG, et al | PAGE 10 OF 5 PAGES |

| DATE 1979 | NR. | PROCEEDINGS |
|--------------|-----|--|
| 6-21 | MO | UPON REQUEST of counsel for the defts., Wagnons, the parties are granted until 7-5-79 to submit an agreed pre-trial order. (HDC-J)k cps mld |
| 7-11 | MO: | Parties are granted to 7-27-79, to file agreed PTO(HDC-J)b nts mld |
| 7-26 | MO: | HEARING on settlement held. Statements made by counsel. Judgment approved. Order of distribution approved. (HDC-J)hm |
| 7-26 | 104 | JOINT APPL. to enter judgment.k <i>parties have copies</i> |
| 7-26 | 105 | JUDGMENT. Entered. (HDC-J)k <i>parties have copies</i> |
| 7-26 | 106 | ORDER of distribution of interpleader funds by Clerk to parties as set forth in Judgment. (HDC-J)k <i>parties have copies. Cks deliv'd.</i> |
| 8-24 | 107 | NOTICE OF APPEAL by deft. State of Okla. ex rel. DISRS.k - cpy to USCA and counsel |
| 8-24 | --- | DOCKETING & FILING FEE paid. rm |
| 8-29 | 108 | DESIGNATION of record on appeal of appellant. rm |
| 8-30 | 109 | TRANSCRIPT ORDER of appellant. (no transcript) rm |
| 8-31 | --- | LETTER from 10th Circuit, assigning No. 79-1923. rm |
| 8-31 | --- | APPEAL RECORD (1 vol) transmitted to 10th Circuit. rm |
| <u>1981</u> | | |
| 12-18 | 110 | MANDATE & OPINION of 10th Cir. affirming in part and reversing in part. Case remanded for disposition in accordance w/opinion. rm |
| <u>1982</u> | | |
| 1-7 | 111 | Entered ORDER/disbursing Funds, The Clerk of the Court is directed to disburse to Saint Francis Hospital, Inc. the remaining \$863.61 held by the Court in an interpleader fund under this cause and style number. (HDC-J) dm c/m |
| 1-25 | -- | APPEAL RECORD (1 vol) recd. from 10th Cir. rm |